

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Robert Clark, et al.

v.

Civil No. 08-cv-00451-JL

Anabolic Resources, LLC, et al.

**ORDER AFTER PRELIMINARY  
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **April 17, 2009**. The case proceeds against defendant Mass Nutrition on Counts 15-22 only. Plaintiff's counsel represented that Robert Clark placed his order for the product from, and ingested the product in, New Hampshire.

The Discovery Plan (document no. 10) is approved as submitted, with the following changes:

- “DiBenedetto” disclosure deadlines -- **August 1, 2009**
- Summary Judgment -- **February 15, 2010**
- Trial -- **June, 2010**

The defendant will amend ¶¶ 7, 8, and 10 of its Answer to more comprehensively state its positions with respect to the corresponding allegations. Leave for the amendments is granted.

As to the Mass Nutrition's third affirmative defense, assumption of the risk, when the matter proceeds to trial (or if necessary, summary judgment motion practice), Mass Nutrition shall specify whether the defense is based on release, primary implied assumption, or secondary implied assumption.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: April 17, 2009

cc: Alan L. Cantor, Esq.  
David P. Angueira, Esq.  
Edward M. Swartz, Esq.  
Robert J. Meagher, Esq.